Remarks

35 U.S.C. §112

Applicant has currently amended claims 27 and 42 so as to overcome Examiner's rejections on the basis of indefiniteness. The method steps are more simply elucidated. Applicant thanks Examiner for specificity in rejection in this regard.

35 U.S.C. §102 & 103 Prior Art - USPN 5,229,764 (Matchett)

Examiner cited Matchett in this office action after citing 6,618,806 (Brown) in the previous office action. Yet both fail to anticipate the claims in several of the same ways. To a significant extent, Applicant simply has to substitute Matchett for Brown in reply argument. Applicant has read Matchett in its entirety to ensure Matchett had no anticipation of the claims.

Claim 27

Matchett failed to anticipate the most significant novel limitation of the claim 27: "creating a signature" using "at least one user-selected device among a plurality of selectable user input devices." In plain English, the user selects the device(s) for creating a signature. Matchett's disclosure in [5:54-63], and elsewhere, particularly Examiner-cited [6:1-68], is of a user selecting to program a device required by the system; the user does not get to select the device.

Further, Matchett failed to anticipate "at least one user-selectable input device affords recording a plurality of signal types."

Claim 35

Similar to claim 27, please see above remarks, with regard to user selection, claim 35 specifies: 1) "user selection of ... [a] signal type"; and 2) "user-selected input device." Matchett offered no such user selection, either of input device(s), or the signal types for use in creating a signature.

Also, as with claim 27, Matchett lacked anticipation of a device being able to record multiple signal types from the claimed "user-selectable input device."

With regard to claim 35, for the record, the claimed limitation of "receiving user selection of at least one signal type among a plurality of selectable signal types," does not necessarily proceed

the succeeding limitation of "recording input data...". User selection of signal type may succeed the recording. Naturally, as the claim is drafted, said user signal type selection is necessarily prerequisite to the claimed signature creation.

Claim 42

In a conceded point of relevance, Matchett disclosed monitoring for unprompted input at [11:43-46]. But, in toto, Matchett had no anticipation of the claimed process. Matchett did not anticipate accumulating keys based "upon receiving a first portion of ... user input" as claimed. Matchett did not anticipate thereupon "discarding from further processing previously accumulated keys." In short, Matchett did not discloses the claimed key accumulation, followed by process-of-elimination, for authentication.

Respectfully, Examiner's citation of Matchett [11:30-68] was off-base, not disclosing anticipation of the claimed process.

Claim 46

While retaining the claim limitation of "a user-selected input device," like claim 27, claim 46 goes to structuring storage of signature data.

Matchett's failure to anticipate "a user-selected input device" has been chronicled foregoing in remarks for claim 27.

As argued foregoing, Matchett failed to anticipate "at least two signals types... associated with at least one single input device."

Examiner had cited [9:10-68], but nowhere could applicant find that Matchett anticipated the claimed "partitioning... signature data by transmission type and by signal type."

Respectfully, Examiner's citations of Matchett column 6 and [9:10-68] failed to disclose what Examiner asserted.

Claim 48

In summary, Matchett did not anticipate user selection as claimed.

Matchett's failure to anticipate "a user-selected input device" has been chronicled foregoing in remarks for claim 27.

Matchett did not anticipate the claimed "receiving user selection of at least one less signal type than recorded for said device." Respectfully, Examiner's citation of [6:1-68] was unrevealing in this regard.

Dependent Claims

Dependent claims rely upon novel limitations from their respective independent claims for their novelty. But some dependent claims possess additional novelty, as argued herein.

Claims 28 & 36

Respectfully, there is no indication in Matchett that multiple devices were used to create a single signature as claimed. The known prior art, likely used by Matchett, was that a separate signature applied for a user for each device; Matchett gives no indication otherwise. Also, please see remarks with regard to claim 42, etc. Respectfully, Examiner must consider the claim in its entirety, in context, with regard to prior art anticipation.

Claim 29

With all due respect, nowhere in Matchett, including Examiner-cited [5:15-6:68], is there anticipation of the claimed limitations in 29, either of user selection of signal type, or multiple signal types associated with a user device.

Claim 30

Claim 30 excludes biometrics, which are not "user-controllable in duration" as claimed. Matchett therefore did not anticipate passive termination as claimed.

Claim 37

With all due respect, Matchett stated nothing, including Examiner-cited [4:30-5:15], about recording signature signals of multiple types prior to receiving user selection of the type(s) to use, per claim 37.

Claim 38

Matchett failed to anticipate whatsoever creating a signature "wherein at least one said signal type comprises input from a plurality of devices," particularly Examiner-cited [6:1-68].

Claim 41

Matchett had nothing to say about recording a signature of "a plurality of user-selected signal types," including Examiner-cited [6:1-68].

Claim 44

Matchett never even mentioned the concept of key-based authentication as claimed in 42, let alone accessing keys by reference as claimed in 44, withstanding Examiner-cited [6:1-68].

Claims 42, 45, 47 (and 28 & 36)

Matchett in Examiner-cited [9:10-68] disclosed user input into multiple biometric authentication devices. Describing Figure 4, Matchett disclosed authentication "data is stored in the respective one of the digital storage devices 418-426..." [9:31-32] Those data are then compared to "reference data." The logical conclusion of this disclosed use of multiple storage devices indicates multiple signatures, respectively one for each device. Thus, Examiner's rejection of claim 45 based on this passage indicates that Matchett teaches away from claims 28, 36, 42, 45, & 47, which claim a single signature, not Matchett's multiple signatures.

With regard to claim 47, Matchett made no mention of "partitioning... [a] signature into portions by signal type, such that at least one portion references another portion of said signature." Respectfully, Examiner was mistaken.

Claim 32

Examiner is correct that Matchett [10:10-35] disclosed threshold tolerances, and is correct in stating "is mute regarding who/what provides the threshold..." Examiner then stretches the point in writing that Matchett "suggests that the user may supply it." Matchett made no such suggestion. With all due respect, in his enthusiasm, Examiner has applied impermissible hindsight. Consistent with Matchett's description, the system is programmed to behave within certain parameters; a system over which the user had no disclosed control for adjustment.

Claims 33-34, 40, 49

Of course Examiner is correct that editing data was conventional in the prior art. But, respectfully, it can only be considered impermissible hindsight to suggest that a user may edit his non-text authentication signature without some prior art reference. Certainly Matchett did not anticipate a user editing his biometric input data, as Examiner suggested. User editing of biometric data does not even make sense - if a user could edit her biometric data, then how could that edited data be assured to match her actual biometric?

The claim is drafted to exclude the prior art technique of allowing a user to edit a text input password.

The disclosure of 10/090,520 describes user-controlled input that is more than text characters, such as with a mouse or similar input device, or such as keyboard key rhythms, that a user may edit. These claims are best understood in light of the disclosure.

While applicant thanks Examiner for his vigorous rejections, with all due respect, in the interest of compact prosecution, a more careful examination is deserved than just hand-waving with regard to prior art citation.

Examiner's rejections of claims based upon prior art are respectfully traversed. Applicant respectfully submits claims now drafted are allowable. If Examiner deems claims not in condition for allowance, applicant respectfully requests a phone interview to discuss Examiner's rejection(s) prior to a subsequent formal office action. Thank you.